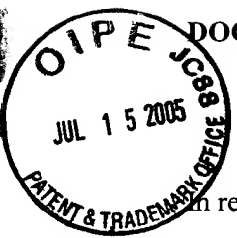


ABZ



DOCKET NO. US 010497 (PHIL06-00023)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Laurie E. Gathman, et al
Serial No. : 09/970,910
Filed : October 4, 2001
For : TICKET EXCHANGE SYSTEM AND METHOD OF OPERATION
Group No. : 3624
Examiner : Alain L. Bashore

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
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CLIENT NO.: PHIL06-00023

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MAIL STOP APPEAL BRIEF - PATENTS

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

The Appellants have appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 12, 2005, finally rejecting Claims 1-28. The Appellants filed a Petition for an Extension of Time (One Month) and timely filed a Notice of Appeal on May 12, 2005. The date for filing the Appeal Brief is July 12, 2005.

The Appellants respectfully submit this brief on appeal, with a statutory fee of Five Hundred Dollars (\$500.00) for the Appeal Brief filing fee.

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REAL PARTY IN INTEREST

This application is currently owned by Philips Electronics North America Corporation, as indicated by an assignment recorded on December 12, 2000 in the Assignment Records of the United States Patent and Trademark Office at Reel 011373, Frame 0857.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-28 are pending in the above-identified patent application. Claims 1-16 and 18-24 and 26-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,809 to Brett Nakfoor ("*Nakfoor*") in view of U.S. Patent No. 5,794,207 to Walker et al. ("*Walker*"). Claims 17, 25 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Nakfoor* in view of *Walker* and further in view of U.S. Patent No. 5,769,269 to Steven Peters ("*Peters*") and U. S. Patent Application Serial No. 2003/0135440 A1 to Tsuyoshi Senga ("*Senga*"). Claims 1-28 are presented for appeal. Claims 1-28 are shown in Appendix A.

STATUS OF AMENDMENTS

No amendments were submitted and refused entry after issuance of the final Office Action dated January 12, 2005.

SUMMARY OF INVENTION

The invention (as claimed in Claims 1-15) comprises a method of exchanging tickets electronically. The method comprises steps in which an electronic ticket control system 400 is provided that issues virtual tickets to virtual ticket devices 200 for patrons of a public facility 100. (Specification, Page 26, Lines 9-19). The virtual ticket devices 200 send virtual ticket exchange requests and exchange confirmation messages to, and receive exchange notification messages from, the electronic ticket control system 400. (Specification, Page 28, Lines 4-7). The electronic ticket control system 400 stores the exchange requests in an exchange request database 415 and analyzes the exchange requests to determine if any virtual tickets are eligible for exchange. (Specification, Page 33, Lines 14-18). When an eligible ticket exchange is identified, the electronic ticket control system 400 sends an exchange notification message to the virtual ticket devices 200 that are associated with the eligible ticket exchange. When the electronic ticket control system 400 receives an exchange confirmation message from an eligible ticket device 200 that is associated with the eligible ticket exchange, electronic ticket control system 400 updates the virtual tickets to reflect the exchanged status. (Specification, Page 35, Line 18 to Page 36, Line 6).

The invention (as claimed in Claims 16-23) comprises an electronic ticket exchange system (400) for exchanging tickets electronically. (Specification, Page 22, Line 18 to Page 26, Line 8). The electronic ticket exchange system (400) comprises an exchange request database (650), a processor (410), and a ticket exchange control program (610). (Specification, Page 22, Lines 18-23, and Page 27, Line 15 to Page 28, Line 3). The ticket exchange control program (610) directs the processor (410) to compare exchange requests that have been received from virtual ticket devices (200) and stored on the exchange request database (650) to determine if an exchange of virtual tickets is possible. (Specification, Page 33, Lines 14-18).

The invention (as claimed in Claims 24-28) comprises a method of exchanging tickets electronically in which an exchange of seats between patrons at a public facility 100 is electronically brokered. (Specification, Page 16, Lines 20-24).

STATEMENT OF ISSUES

1. Whether Claims 1-16 and 18-24 and 26-27 are unpatentable as being obvious over *Nakfoor* in view of *Walker*.
2. Whether Claims 17, 25 and 28 are unpatentable as being obvious over *Nakfoor* in view of *Walker* and further in view *Peters* and *Senga*.

GROUPING OF CLAIMS

Pursuant to 37 C.F.R. § 1.192(c)(7), the Appellants request that Claims 1-16 and 18-24 and 26-27 be grouped together into a first group (Group I) and that Claims 17, 25 and 28 be grouped together into a second group (Group II) for purposes of this appeal.

ARGUMENTS

1. The rejections of Claims 1-16 and 18-24 and 26-27 under 35 U.S.C. § 103(a) are improper and should be withdrawn.

2. The rejections of Claims 17, 25 and 28 under 35 U.S.C. § 103(a) are improper and should be withdrawn.

A. OVERVIEW

(1) Claims 1-16 and 18-24 and 26-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,809 to *Nakfoor* in view of U.S. Patent No. 5,794,207 to *Walker*.

(2) Claims 17, 25 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Nakfoor* in view of *Walker* and further in view of U.S. Patent No. 5,769,269 to *Peters* and U. S. Patent Application Serial No. 2003/0135440 A1 to *Senga*.

B. STANDARD

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability of a claimed invention is always upon the Patent Office. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. (MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 USPQ 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (MPEP § 2142).

In order to establish obviousness by combining references there must be some teaching or suggestion in the prior art to combine the references. *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957, 43 USPQ2d 1294, 1297 (Fed.Cir. 1997) ("It is insufficient to establish obviousness that the separate elements of an invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the references."); *In re Rouffet*, 149 F.3d 1350, 1355-56, 47 USPQ2d 1453, 1456 (Fed.Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, or motivation to combine the references.")

Evidence of a motivation to combine prior art references must be clear and particular if the trap of "hindsight" is to be avoided. *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed.Cir. 1999) (Evidence of a suggestion, teaching or motivation to combine prior art references must be "clear and particular." "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'"). *In re Rouffett*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed.Cir. 1998) ("[R]ejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be 'an illogical and inappropriate process by which to determine patentability.'")

C. CLAIMS 1-16 AND CLAIMS 18-24 AND CLAIMS 26-27

For the reasons set forth below, the Appellants respectfully submit that the Examiner has not established a *prima facie* case of obviousness with respect to Claims 1-16 and Claims 18-14 and Claims 26-27.

The Examiner stated that “Nakfoor discloses providing an electronic ticket system for issuing virtual tickets to public-facility patrons through virtual ticket devices where there is received virtual ticket exchange requests from a plurality of virtual ticket devices (fig 1).” (January 12, 2005 Office Action, Page 2, Lines 12-14). The Appellants respectfully traverse the Examiner’s conclusion that the *Nakfoor* system discloses the concept of using virtual ticket exchange requests in the manner described and claimed in the Appellants’ patent application.

Nakfoor describes a method of electronically exchanging tickets in a secondary market between sellers and buyers. (*Nakfoor*, Abstract). A user may purchase tickets in a primary market from the event sponsor, or resell the tickets to another user in a secondary market. (*Nakfoor*, Column 3, Lines 34-39). In Claim 1 *Nakfoor* claims “A system for electronically exchanging paperless tickets for an event in a secondary market from ticket sellers to ticket buyers” (Emphasis added) (*Nakfoor*, Claim 1, Column 6, Lines 12-14).

While *Nakfoor* teaches that tickets may be traded in the secondary market using an exchange-type format, the description of the exchange-type format makes it clear that it is a process like that used at the New York Stock Exchange for arriving at an agreed sale price between buyer and seller.

In the exchange-type format described in the *Nakfoor* reference, sellers advertise an ‘ask’ price that they want to receive for their tickets, while buyers advertise a ‘bid’ price that they are willing to pay for tickets. When any buyer’s bid price meets or exceeds a seller’s ask price, the system of *Nakfoor* consummates the sale of that seller’s tickets to that buyer. (*Nakfoor*, Column 4, Lines 25-34). In short, the *Nakfoor* reference teaches a method and system for selling tickets.

Furthermore, unlike the *Nakfoor* method, the method of the present invention is capable of operating after the ticketed event has begun. For example, the specification of the patent application states “The facility operator may use the access points to communicate information to the virtual ticket devices about available seating upgrades. These could be based on the real time location of the customer. For example, an access point may transmit to the virtual ticket device the message: ‘Two seats are available in the section in front of you. Would you like to move there for an additional \$10?’” (Specification, Page16, Lines 10-16).

The *Nakfoor* method ceases to operate after the ticket buyer enters the event. For example, in FIGURE 4 of *Nakfoor* (and accompanying text) it is clear that the primary market method disclosed in *Nakfoor* ends after the block “Patron Enters Event 122” and that the secondary market method disclosed in *Nakfoor* ends after the block “Patron Enters Event 136.” *Nakfoor* also states “After the ticket is sold and before the time of the event, the ticket can be transferred by the ticket owner to subsequent ticket buyer.” (Emphasis added) (*Nakfoor*, Column 3, Lines 48-50). Therefore, after the ticket owner enters the event, the *Nakfoor* ticket can no longer be re-sold.

The Appellants' invention is directed to a system and method for issuing virtual tickets to public-facility patrons through virtual ticket devices. The Appellants respectfully traverse the Examiner's characterization of the secondary market purchasers of *Nakfoor* as public-facility patrons. For the reasons described above, after the secondary market purchasers of *Nakfoor* have entered the public facility 100 (and have thereby become public-facility patrons), the *Nakfoor* method is no longer operable. In other words, the *Nakfoor* method is operable only for secondary market purchasers who have not yet become public-facility patrons. The *Nakfoor* reference does not disclose, suggest or even hint at the concept of issuing virtual tickets to public-facility patrons (i.e., purchasers of tickets who have physically entered the public facility 100).

The Examiner stated "Regarding Claim 24, Nakfoor discloses electronically brokering the exchange of seats (as the tickets represent seat attendance/occupancy itself) of patrons at a public facility." (January 12, 2005 Office Action, Page 3, Lines 1-3). The Appellants respectfully traverse this assertion of the Examiner for the following reasons.

Claim 24 claims a method of "electronically brokering the exchange of seats between patrons at a public facility." (Emphasis added). The patrons are located at the public facility 100. As previously described, the *Nakfoor* method ceases when patrons enter the public facility 100. The *Nakfoor* method may assign brokers to a ticket (Block 112 in FIGURE 4 of *Nakfoor*). The function of the brokering a sale or a re-sale of the ticket is completed before the ticket owner enters the public facility 100. After the ticket owner becomes a patron at the public facility 100 there is no further steps taken by the *Nakfoor* method. Specifically, the *Nakfoor* method does

not disclose, suggest or even hint at the concept of electronically brokering the exchange of seats between patrons at a public facility.

The Examiner also stated that “Nakfoor does not explicitly disclose: sending an exchange notification message and receiving an exchange confirmation message; an exchange of seats between patrons (where each patron receives the seat of another patron, i.e. a swap) as claim 24 is currently interpreted. (January 12, 2005 Office Action, Page 3, Lines 4-8).

The Examiner then stated that “It would have been obvious to one with ordinary skill in the art to include sending an exchange notification message and receiving an exchange confirmation message because Walker et al. (209) discloses legally binding steps required in transactions (col 19, lines 63-65).” (January 12, 2005, Page 3, Lines 12-15).

The Appellants respectfully traverse the Examiner’s assertion that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device as taught by *Nakfoor* to include elements taught by *Walker*. Specifically, the Appellants traverse the Examiner’s suggested motivation to combine the references “because Walker et al (209) discloses legally binding steps required in transactions (col 19, lines 63-65).”

The concept of “legally binding steps required in transactions” is very general and does not specifically suggest combining the teachings of the *Nakfoor* reference with the teachings of the *Walker* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The concept of “legally binding steps required in transactions” is

too general and vague to provide the requisite motivation to modify a reference or to combine reference teachings. *Nakfoor* does not disclose the concept of sending exchange notification messages or receiving exchange confirmation messages. *Walker* describes a concept of contract formation in which a binding contract is formed when a buyer transmits payment to a seller by sending the buyer's credit card information to the seller. (*Walker*, Column 19, Lines 63-65). There is no suggestion or motivation to combine the teachings of the *Nakfoor* reference with the teachings of the *Walker* reference.

The supposed motivation that is alleged to come from the concept of "legally binding steps required in transactions" does not specifically suggest combining the teachings of the *Nakfoor* reference with the teachings of the *Walker* reference. The fact that two references are concerned with the same general technical area does not without more provide a "clear and particular" motivation to combine the references. The Appellants respectfully submit that the alleged motivation to combine references has been assumed by "hindsight" in light of the existence of the Appellants' invention.

The Examiner also stated that "It would have been obvious to one with ordinary skill in the art to include an exchange of seats between patrons because Walker et al (209) teaches a barter environment may occur in transactions between parties per se (col 30, line 31-32)." (January 12, 2005, Page 3, Lines 16-18).

The Appellants respectfully traverse the Examiner's assertion that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

device as taught by *Nakfoor* to include a “barter environment” as supposedly taught by *Walker*. Specifically, the Appellants traverse the Examiner’s suggested motivation to combine the references “because Walker et al (209) teaches a barter environment may occur in transactions between parties per se (col 30, lines 31-32).

The concept of a “barter environment” is very general and does not specifically suggest combining the teachings of the *Nakfoor* reference with the teachings of the *Walker* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The concept of a “barter environment” is too general and vague to provide the requisite motivation to modify a reference or to combine reference teachings. *Nakfoor* does not disclose the concept of exchanging seat between patrons. That is because, as previously mentioned, the *Nakfoor* reference is not concerning with patrons after the patrons have entered the ticketed event. *Walker* generally describes a barter transaction as an exchange of goods between a first party and a second party instead of a sale between a buyer and a seller. (*Walker*, Column 30, Lines 31-39). There is no suggestion or motivation to combine the general concept of a barter transaction that is mentioned in the *Walker* reference with the teachings of the *Nakfoor* reference.

The supposed motivation that is alleged to come from the concept of “barter environment” does not specifically suggest combining the teachings of the *Nakfoor* reference with the teachings of the *Walker* reference. The fact that two references are concerned with the same general technical area does not without more provide a “clear and particular” motivation to combine the references.

In the present case, the concept of barter does not even apply to the *Nakfoor* method because the *Nakfoor* method has been completed by the time the patrons have entered the ticketed event. The Appellants respectfully submit that the alleged motivation to combine references has been assumed by “hindsight” in light of the existence of the Appellants’ invention.

Even if the *Nakfoor* reference could somehow be combined with the *Walker* reference, the combination would not teach, suggest, or even hint at the Appellants’ invention as set forth in Claims 1-16 and Claims 18-14 and Claims 26-27. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an Appellants’ disclosure. In the present case, the *Nakfoor* reference and the *Walker* reference in combination would not teach or suggest all the claim limitations of the Appellants’ invention.

The Appellants therefore respectfully submit that Claims 1-16 and Claims 18-14 and Claims 26-27 are therefore patentable over the *Nakfoor* reference and the *Walker* reference, either separately or in combination and are in condition for allowance. The Appellants respectfully request that the rejection of Claims 1-16 and Claims 18-14 and Claims 26-27 under 35 U.S.C. § 103(a) be withdrawn and that Claims 1-16 and Claims 18-14 and Claims 26-27 be passed to allowance.

D. CLAIM 17 AND CLAIM 25 AND CLAIM 28

For the reasons set forth below, the Appellants respectfully submit that the Examiner has not established a *prima facie* case of obviousness with respect to Claim 17, Claim 25 and Claim 28.

The Appellants hereby reiterate and incorporate by reference (as if fully set forth herein) all of the comments and arguments the Appellants have previously made with respect to the rejection of Claims 1-16 and Claims 18-14 and Claims 26-27.

For the reasons previously set forth, the *Nakfoor* reference does not describe a method or system for exchanging tickets electronically to public facility patrons, as recited in independent Claims 1, 16 and 24. Furthermore, the Appellants respectfully assert that neither the *Walker* reference, nor the *Peters* reference nor the *Senga* reference does anything to remedy this shortcoming. Therefore, the *Nakfoor*, *Walker*, *Peters* and *Senga* references, either alone or in combination, do not disclose, suggest or hint at all the claim limitations of independent Claim 1, independent Claim 16 and independent Claim 24.

The Examiner stated that “Nakfoor and Walker et al (207) do not disclose providing the patrons images of views from seats available for exchange or prioritizing ticket exchange requests.” (January 12, 2005 Office Action, Page 4, Lines 4-5).

The Examiner also stated “Senga discloses providing the patrons images of views from seats available for exchange (para 0116) and prioritizing ticket exchange requests (para 0050).” (January 12, 2005 Office Action, Page 4, Lines 6-7).

The Examiner also stated that “It would have been obvious to one with ordinary skill in the art to include providing the patrons images of views from seats available for exchange because Peters teaches ticket acceptability is dependent on seating location and view ability (col 13, lines 2-3). (January 12, 2005 Office Action, page 4, Lines 8-11). The Appellants respectfully traverse this assertion of the Examiner.

The Appellants respectfully traverse this assertion of the Examiner. The supposed motivation to combine references is missing. The fact that *Peters* may teach providing images of views does not of itself provide a legally sufficient motivation to combine references. The *Peters* reference does not specifically suggest combining the teachings of the *Nakfoor* reference with the teachings of the *Peters* reference. The fact that two references are concerned with the same general technical area does not without more provide a “clear and particular” motivation to combine the references. The Appellant respectfully submits that the alleged motivation to combine references has been assumed by “hindsight” in light of the existence of the Appellants’ invention.

The Examiner also stated that “It would have been obvious to one with ordinary skill in the art to include prioritizing ticket exchange requests because Senga teaches priority of importance to commodities (para 0022).” (January 12, 2005 Office Action, page 4, Lines 12-14). The Appellants respectfully traverse this assertion of the Examiner.

The Appellants respectfully traverse this assertion of the Examiner. The supposed motivation to combine references is missing. The fact that *Senga* may teach “priority of importance to commodities” does not of itself provide a legally sufficient motivation to combine references.

The *Senga* reference does not specifically suggest combining the teachings of the *Nakfoor* reference with the teachings of the *Senga* reference. The fact that two references are concerned with the same general technical area does not without more provide a “clear and particular” motivation to combine the references. The Appellant respectfully submits that the alleged motivation to combine references has been assumed by “hindsight” in light of the existence of the Appellants’ invention.

Even if the *Nakfoor* reference and the *Walker* reference could somehow be combined with the *Peters* reference and with the *Senga* reference, the combination would not teach, suggest, or even hint at the Appellant’s invention as set forth in Claims 17, Claim 25 and Claim 28. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant’s disclosure. In the present case, the *Nakfoor* reference and the *Walker* reference and the *Peters* reference and the *Senga* reference in combination would not teach or suggest all the claim limitations of the Appellants’ invention.

The Appellants therefore respectfully submit that Claim 17 and Claim 25 and Claim 28 are therefore patentable over the *Nakfoor* reference and the *Walker* reference and the *Peters* reference and the *Senga* reference, either separately or in combination and are in condition for allowance. The Appellants respectfully request that the rejection of Claim 17 and Claim 25 and Claim 28 under 35 U.S.C. § 103(a) be withdrawn and that Claim 17 and Claim 25 and Claim 28 be passed to allowance.



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U.S. SERIAL NO. 09/970,910
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CONCLUSION

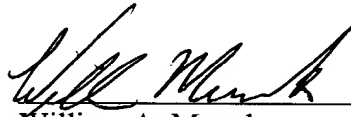
The Appellants have demonstrated that the present invention as claimed is clearly distinguishable over the prior art cited of record. Therefore, the Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

The Appellants have enclosed a check in the amount of \$500.00 to cover the cost of filing this Appeal Brief. The Appellants do not believe that any additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees (including any extension of time fees) or credit any overpayments to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: July 12, 2005



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APPENDIX A

PENDING CLAIMS

1. (Previously Presented) A method of exchanging tickets electronically, comprising:
providing an electronic ticket control system for issuing virtual tickets to public-facility patrons through virtual ticket devices;
receiving virtual ticket exchange requests from a plurality of virtual ticket devices;
storing the exchange requests in an exchange request database;
analyzing the exchange requests to determine if any are eligible for exchange;
sending an exchange notification message to the virtual ticket devices associated with at least one eligible exchange;
receiving an exchange confirmation message from the eligible virtual ticket devices associated with the at least one exchange; and
updating the virtual tickets when all virtual ticket devices associated with the at least one exchange respond affirmatively.
2. (Previously Presented) The method of claim 1, further comprising the step of maintaining an ownership database for storing ownership information related to issued virtual tickets.
3. (Previously Presented) The method of claim 2, further comprising the step of updating the ticket ownership database to reflect a change in ownership resulting from a ticket exchange.

4. (Previously Presented) The method of claim 1, further comprising the step of, before storing the exchange request in the database, confirming ownership of any virtual tickets offered for exchange.

5. (Previously Presented) The method of claim 1, wherein the step of analyzing includes comparing the exchange conditions of more than two exchange requests in order to determine if more than two requests can be satisfied in the same exchange transaction.

6. (Previously Presented) The method of claim 1, further comprising the step of providing a downloadable virtual ticket exchange user-interface program for downloading by patrons onto virtual ticket devices and use in exchanging virtual tickets through the electronic ticket control system.

7. (Previously Presented) The method of claim 1, further comprising the step of performing a validity check with respect to the received request before storing it in the exchange request database.

8. (Previously Presented) The method of claim 1, further comprising the steps of: performing a validity check on ticket exchange requests stored in the database; and deleting stored requests that are determined to be invalid.

9. (Previously Presented) The method of claim 1, further comprising the step of sending a message to at least one virtual ticket device, the message containing information relating to virtual ticket exchange requests.

10. (Previously Presented) The method of claim 9, wherein the information relating to virtual ticket exchange requests includes a notification that a request has been received that corresponds to the virtual ticket stored on the virtual ticket device.

11. (Previously Presented) The method of claim 9 wherein the information relating to virtual ticket requests further includes an incentive for offering for exchange the ticket held on the virtual ticket device.

12. (Previously Presented) The method of claim 1 further comprising the step of charging a service fee to customers for brokering the exchange request.

13 (Previously Presented) The method of claim 1 further comprising the steps of charging the account of a first patron an amount for the ticket exchange; and
crediting the account of a second patron a corresponding amount for the ticket exchange.

14. (Previously Presented) The method of claim 1 wherein at least some of the exchange requests include information that a patron is either willing to pay for or requires payment for a ticket exchange.

15. (Previously Presented) The method of claim 14 further comprising the steps of charging the account of a first patron an amount for the ticket exchange; and crediting the account of a second patron a corresponding amount for the ticket exchange.

16. (Original) An electronic ticket exchange system for use by public-facility patrons having virtual tickets stored on virtual ticket devices that are capable of communicating with the ticket exchange system, said ticket exchange system comprising:

an exchange request database for storing information related to exchange requests received from virtual ticket devices;

a processor in communication with the exchange request database;

a ticket-exchange control program for directing the processor to compare exchange requests stored on the exchange request database to determine if an exchange is possible.

17. (Original) The system of claim 16, further comprising a seat-view image database for storing images that can be transmitted to a virtual ticket device.

18. (Original) The ticket exchange system of claim 16, wherein the ticket control program also directs the processor to confirm the validity of virtual ticket exchange requests.

19. (Original) The ticket exchange system of claim 16, further comprising a downloadable user-interface program.

20. (Original) The ticket exchange system of claim 16, further comprising an ownership database for storing information related to public-facility virtual ticket ownership.

21. (Original) The ticket exchange system of claim 20, wherein the ticket exchange control program directs the processor to confirm the ownership of any virtual ticket offered for exchange.

22. (Original) The ticket exchange system of claim 16, further comprising a terminal in communication with the ticket exchange system that accepts public-facility tickets that are not virtual tickets and converts them to virtual tickets for possible exchange.

23. (Original) The ticket exchange system of claim 22, wherein the terminal reissues a second non-virtual ticket in exchange for a first non-virtual ticket that has been successfully exchanged.

24. (Previously Presented) A method of exchanging tickets electronically, comprising:
electronically brokering an exchange between first and second patrons at a public facility of
at least one ticket held by the first patron for at least one ticket held by the second patron.

25. (Previously Presented) The method of claim 24 further comprising the step of
providing at least one of the first and second patrons images of views from seats associated with

the tickets available for exchange.

26. (Previously Presented) The method of claim 25 further comprising charging at least one of the first and second patrons a service fee for the exchange.

27. (Original) The method of claim 26 wherein the service fee is based upon the selling price of the exchanged tickets.

28. (Original) The method of claim 24 comprising the step of prioritizing ticket exchange requests.